

# Order

Michigan Supreme Court  
Lansing, Michigan

June 1, 2007

Clifford W. Taylor,  
Chief Justice

133274 & (42)(45)

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

DENNIS G. SIMPSON,  
Plaintiff-Appellee,

v

SC: 133274  
COA: 264106  
WCAC: 04-000017

BORBOLLA CONSTRUCTION & CONCRETE  
SUPPLY, INC. and CINCINNATI INSURANCE  
COMPANY,

DefendantsAppellants,

and

FLUOR CONSTRUCTORS INTERNATIONAL,  
INC. and TRAVELERS CASUALTY & SURETY  
COMPANY,

Defendants-Appellees,

and

SILICOSIS DUST DISEASE & LOGGING  
INDUSTRY COMPENSATION FUND,

Defendants.

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On order of the Court, the motions for leave to file briefs amicus curiae are GRANTED. The application for leave to appeal January 25, 2007 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other peremptory action. MCR 7.302(G)(1). At oral argument, the parties shall address whether the Court of Appeals erred in holding that *Rakestraw v General Dynamics Land Systems, Inc*, 469 Mich 220 (2003), does not apply where the preexisting condition is work-related. The parties may file supplemental briefs within 42 days of the date of this order, but they should not submit mere restatements of their application papers.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 1, 2007

*Corbin R. Davis*

Clerk

